

Juveniles – Intimate Samples Information

In brief – we require all AAs to check consent has been obtained when intimate samples are required from a juvenile. Consent can be given by a parent or guardian, such as a local authority representative if the juvenile falls under their care.

For juveniles between 14 and 18, they should be asked for consent alongside their parent/guardian, and this consent should be sought/given in the presence of an AA.

Full details on Police procedure and intimate Samples:

The rules with regard to obtaining intimate samples from a detained person require ‘appropriate consent’ in order for the intimate sample evidence to be admissible. ‘Appropriate consent’ with regard to children and young people is defined in section 65 of the Police and Criminal Evidence Act (PACE), 1984, as meaning:

- a. in relation to a person between their 14th and 18th birthday, the consent of that person and his parent or guardian; and
- b. in relation to a person who has not attained the age of 14 years, the consent of his parent or guardian.

Where the consent of a parent or guardian is required for these procedures, it is not necessary for the parent or guardian to be at the police station to give that consent. However, where the consent of the juvenile is required it must be obtained in the presence of an appropriate adult, who may be the parent or guardian or some other suitable person over the age of 18 years.

Consent as defined in PACE:

2.12 If any procedure in this Code requires a person's consent, the consent of a: • mentally disordered or otherwise mentally vulnerable person is only valid if given in the presence of the appropriate adult • juvenile is only valid if their parent's or guardian's consent is also obtained unless the juvenile is under 14, when their parent's or guardian's consent is sufficient in its own right. If the only obstacle to an identification procedure in section 3 is that a juvenile's parent or guardian refuses consent or reasonable efforts to obtain it have failed, the identification officer may apply the provisions of paragraph 3.21 (suspect known but not available). See Note 2A.

Notes for guidance 2A For the purposes of paragraph 2.12, the consent required from a parent or guardian may, for a juvenile in the care of a local authority or voluntary organisation, be given by that authority or organisation. In the case of a juvenile, nothing in paragraph 2.12 requires the parent, guardian or representative of a local authority or voluntary organisation to be present to give their consent, unless they are acting as the appropriate adult under paragraphs 2.14 or 2.15. However, it is important that a parent or guardian not present is fully informed before being asked to consent. They must be given the same information about the procedure and the juvenile's suspected involvement in the offence as the juvenile and appropriate adult. The parent or guardian must also be allowed to speak to the juvenile and the appropriate adult if they wish. Provided the consent is fully informed and is not withdrawn, it may be obtained at any time before the procedure takes place.